

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JUANA HERNANDEZ AS ADMINSTRATRIX	)	
OF THE ESTATE OF DANNY NICACIO and	)	
ARMANDO MAISONET,	)	CIVIL ACTION NO. 05-40141FDS
Plaintiffs	)	
	)	
	)	
v.	)	
	)	
SCOTTSDALE INSURANCE COMPANY and	)	
UTICA MUTUAL INSURANCE COMPANY,	)	
Defendants	)	

PLAINTIFFS' MOTION [ASSENTED] FOR IMPOUNDMENT

Pursuant to Local Rule 7.2, Plaintiffs Hernandez and Maisonet hereby move to file under seal their Opposition to Defendants' Joint Motion to Dismiss. The Opposition papers and exhibits thereto filed October 21, 2005, should be impounded until further order of the Court as they contain sensitive material, covered by a protective order in effect in the underlying tort actions brought by the plaintiffs. The Opposition papers and exhibits thereto shall be sealed in the envelope (already provided by the plaintiffs), containing the following language in accordance with the protective order in effect in the underlying actions:

"CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

This envelope is sealed and contains confidential information filed in this case by Juana Hernandez and Armando Maisonet and is not to be opened or the contents thereof displayed, or revealed except by order of the Court, or pursuant to written stipulation of the parties. This envelope shall not be opened without order of the Court and only by the Court's assigned courtroom deputy clerk and only in the presence of all counsel of record who, after reviewing the contents, shall return them to the Clerk in a sealed envelope or container."

Counsel have agreed that the Opposition papers to be placed under seal will not be shown to anyone other than their clients as provided for in the addenda to the protective order in effect in the Superior Court actions.

Respectfully submitted,  
Plaintiffs JUANA HERNANDEZ  
And ARMANDO MAISONET  
by their attorneys,

s/ Robert Beadel

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Defendant UTICA MUTUAL  
INSURANCE CO.  
By its attorneys,  
s/ James Scamby

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Defendant SCOTTSDALE INS. CO.  
By its attorneys,  
s/ Caryn Daum

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CERTIFICATE OF SERVICE

I, Robert H. Beadel, hereby certify that, on this date, I served a copy of the foregoing document by first class mail on all counsel of record.

s/ Robert Beadel

Dated: 11/3/05

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Robert H. Beadel, Esq.